

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PEDRO CRUZ-PEÑA, on behalf of himself,  
individually, and on behalf of all others similarly  
situated,

Plaintiff,

- against-

GREAT KITCHEN SUPPORT CORP., and  
CHRISTIAN DIAZ, individually,

Defendants.

**24 CV 6263 (PKC) (RML)**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the annexed Declaration of Pedro Cruz-Pena dated February 19, 2025, Declaration of Anthony P. Consiglio, Esq., dated February 20, 2025, with accompanying Exhibits A through D and accompanying Memorandum of Law, Plaintiff Pedro Cruz-Pena and Opt-In Plaintiffs Dianelba Surriel and Amalia Godinez will move this Court, before the Honorable Robert M. Levy, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, on a date at the Court's pleasure, for an Order pursuant to 29 U.S.C. § 216(b):

- (1) Conditionally certifying this case as a Fair Labor Standards Act ("FLSA") collective action consisting of "current and former employees, who during the applicable FLSA limitations period of September 6, 2021 through the end of litigation, performed any work for Defendants as non-managerial cooks, or in a similar position, and who give consent to file a claim to recover unpaid overtime compensation and liquidated damages that are legally due to them" ("potential collective action members");
- (2) Requiring Defendants, within fourteen days of the Court's Order, to produce a computer-readable data file containing the names, last known mailing addresses, all last known home and mobile telephone numbers, all known email addresses, primary language spoken, and dates of employment of all potential collective action members;

- (3) Permitting Plaintiffs to disseminate to the potential collective action members the Notice of Lawsuit (“Notice”) and Consent to Join Form and Reminder Notice in English, Spanish, and any other identified primary language of potential collective action members by regular mail, email, and text message, in the forms attached to the Declaration of Anthony P. Consiglio, Esq. as Exhibits A, B, C, and D, and permitting a sixty-day opt-in period;
- (4) Equitably tolling the FLSA statute of limitations from September 6, 2024, until this motion is decided; and
- (5) Granting any other further relief that the Court deems just and proper.

Plaintiffs respectfully request the opportunity to submit a reply to any opposition on this motion.

Dated: Garden City, New York  
February 20, 2025

Respectfully submitted,

BORRELLI & ASSOCIATES, P.L.L.C.  
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By: \_\_\_\_\_  
ANTHONY P. CONSIGLIO, ESQ.